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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,044	05/01/2001	Athar Shah	60,130-1048/01MRA0236	4502

26096 7590 09/15/2005

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,044

Applicant(s)

SHAH, ATHAR

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-16 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,11,12,14-16 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

The drawing correction filed July 6, 2005 have been approved.

Claim Rejections - 35 USC § 112

Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "said end portion" on lines 2-3 of claim 14 render the claims indefinite because it is unclear to which one of the end portions set forth above the applicant is referring.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 11, 21, 22, 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Cuyt discloses a regulator assembly comprising a glass support member 22, a drive motor (not shown, but see column 3, lines 40-52) producing a drive force, a belt 8' having a profile with a plurality of protrusions (not numbered, but shown in figure 3A), the belt interconnecting the drive motor and the glass support member, the belt supporting the glass support member, and a pulley 9 with a complementary profile to

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the belt with the complimentary profile having a plurality of recesses (not numbered, but shown in figure 4A) receiving at least two of the plurality of protrusions, the pulley engaging the belt and moving the belt relative thereto in response to the drive force, a rod 21 supporting opposing portions of the belt, i.e., the two faces of the belt.

Claims 12, 14-16 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Compagnon et al. Le Compagnon et al. discloses a regulator door module for a door comprising a panel (not numbered, but shown in figure 2 supporting the motor 18), a glass support member 14, a drive motor 18 supported by the panel producing a drive force, a continuous loop belt 22 having a profile, the belt interconnecting the drive motor and the glass support member, a bracket (not numbered, but comprising the element supporting the support pulley 27) connected to the panel via the vertical portions of the door shown in phantom in figure 1 operatively supporting an end portion of the belt, and a drive pulley 26 with a complementary profile to the profile of the belt, the drive pulley connected to the drive motor with the drive pulley engaging the belt and moving the belt relative thereto in response to the drive force, the drive pulley arranged opposite the bracket to support an opposite end portion of the belt, a support pulley 27, the bracket including a stop 30 defining the closed position, a second bracket (not numbered, but shown in figure 1 supporting the motor 18), the second bracket including a stop (not numbered, but comprising the surface upon which the motor rests), and spaced apart guides 20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 21-23, 25 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Compagnon et al. in view of Colell. Le Compagnon et al. discloses a regulator assembly comprising a glass support member 14, a drive motor 18 producing a drive force, a belt 22 having a profile, the belt interconnecting the drive motor and the glass support member, the belt supporting the glass support member, and a pulley 26 with a complementary profile to the belt with the complimentary profile having a plurality of recesses (not numbered, but shown in figure 2), the pulley engaging the belt and moving the belt relative thereto in response to the drive force, a support pulley 27, a bracket (not numbered, but shown in figure 1) supporting the support pulley, the bracket includes a stop 30 the defining the closed position, and spaced apart guides 20. Le Compagnon et al. is silent concerning the specific profile of the belt.

However, Colell disclose a drive belt 8 having a profile with a plurality of protrusions (not numbered, but shown in figure 3) and a drive pulley 20 with a complementary profile to the flexible belt with the complimentary profile having a plurality of recesses receiving at least two of the plurality of protrusions as shown in

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figure 3, the drive pulley 20 includes spaced apart flanges (not numbered, but shown in figure 4).

It would have been obvious to one of ordinary skill in the art to provide Le Compagnon et al. with a belt and drive pulley, as taught by Colell, to prevent the belt from slipping with respect to the drive pulley.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Compagnon et al. as applied to claims 12, 14-16 and 24 above, and further in view of Colell. Colell discloses a drive belt 8 comprising a plurality of protrusions (not numbered, but shown in figure 3) and a drive pulley 20 comprising a plurality of recesses (not numbered, but shown in figure 3) receiving at least two of the protrusions.

It would have been obvious to one of ordinary skill in the art to provide Compagnon et al. with a drive belt and pulley combination, as taught by Colell, to prevent the belt from slipping from the drive pulley.

Response to Arguments

Applicant's arguments filed July 6, 2005 have been fully considered but they are not persuasive.

The applicant's comments concerning Miyauchi are moot in view of the new grounds of rejection.

With respect to the applicant's comments concerning Le Compagnon et al., the examiner respectfully disagrees. Le Compagnon et al. discloses a panel shown in

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figure 2 extending generally horizontally and supporting the motor 18. Additionally, the bracket is connected to the panel via the vertical side portions of the door. Claim 12 does not require the bracket to be supported by the panel as argued by the applicant. See lines 8-9 of claim 12 which merely require the bracket is connected to the panel. The applicant comments concerning protrusions are not persuasive since claim 12 does not require protrusions.

With respect to the applicant's comments concerning providing Le Compagnon et al. with the toothed drive system of Colell, the examiner respectfully disagrees. One with ordinary skill in the art is well aware of providing a toothed engagement between a drive pulley and a drive belt prevents slippage between the pulley and the belt. Therefore, since Le Compagnon et al. is silent concerning the type of belt used, one with ordinary skill in the art would be motivated to provide Le Compagnon et al. with a toothed belt and drive pulley configuration to prevent slippage therebetween while still retaining the benefits of a belt drive. The mere fact that Colell discloses a chain drive, which inherently has a toothed engagement, does not mean that the belt embodiment would also have a toothed engagement. Therefore, one with ordinary skill in the art would realize the benefits of providing the belt drive system of Le Compagnon et al. with a toothed engagement system, as taught by Colell.

The applicant's comments concerning claim 11 are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended the claims to at least include the new limitation of "one of said drive motor and said belt supporting said glass support member" in claim 12. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish at the end.

Gregory J. Strimbu
Primary Examiner
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September 12, 2005